

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 2, 2005.

Claims 1-28 were pending in the Office Action, with claims 17-28 previously withdrawn in a response to the Restriction Requirement dated May 27, 2005. Claim 1 is in independent form. A copy of the presently pending claims with an indication of their present status is included herewith for the Examiner's convenience.

The Office Action rejects Claims 1 and 10 under 35 U.S.C. §102b as allegedly anticipated by U.S. Patent No. 6,234,958 to Snoke, et. al. Reconsideration of the rejection of these claims is respectfully requested.

Claim 1 in the present application relates to an endoscope system including an endoscope having an elongated insertion unit whose bending section adjoins a distal section thereof. An insertion unit guide member including a plurality of tubular members each of which has a guided channel that has a predetermined diameter permitting other tubular members or the insertion unit to smoothly pass through the guide channel and at least one of which has predetermined degrees of flexibility and predetermined lengths and has a direction changing means for changing the advancing direction in which the insertion unit is advanced through the guide channel, where the insertion unit guide member is passed through or placed in a pipe.

Snoke, et. al., as understood by applicant, relates to a medical device introduction system, a medical introducer and related methods. The medical device introduction system preferably includes a medical introducer having an introducer body and a plurality of lumen formed therein. An imaging device is positioned in a predetermined one of the plurality of lumen of the medical introducer such that the imaging device is separately controllable and independent of the medical introducer. A separate steerable working channel device positioned in at least one other of the plurality of lumen of the medical introducer is provided so that the separate steerable working channel device and the imaging device are separately controlled by a user. See Snoke, et. al., Abstract.

More specifically, Snoke, et. al. discloses a medical device introduction system which includes medical introducer 30 and at least one imaging device 60 in a separate working channel

device 80 which is preferably steerable. The medical device introducer or medical sheath introducer 30 is an instrument used to introduce various devices into a portion of the patient's body. The separate steerable working channel device 80 and the imaging device 60 are preferably inserted into one of a plurality of lumen of the medical introducer 30 and are separately controllable by the user thereof. The system of Snoke et al. may be used in many medical procedures including gynecological, fertility, or prostate type applications. See Snoke, et. al., Col. 5, line 59 to Col. 6, line 20.

Snoke, et. al., however, fails to show or suggest an endoscope system wherein "the insertion unit guide member is passed through or placed in a pipe". As noted above, the medical device introduction system of Snoke, et. al. is specifically used in medical procedures, for example, Snoke, et. al., however, fails to show or suggest an "insertion unit guide member" that is "passed through or placed in a pipe" as recited in claim 1 of the present application.

In addition, Snoke, et. al. fails to show or suggest an insertion unit guide member, "including a plurality of tubular members each of which has a guide channel that has a predetermined diameter permitting other tubular member or the insertion unit to smoothly pass through the guide channel" as needed in claim 1 of the present application. In contrast, the medical introducer 30 of Snoke, et. al. includes an introducer body 31 and a plurality of lumen 34, 35, 36, 37 and 38 which extend through the introducer body as illustrated in Figures 4 and 5, for example. While the lumens of Snoke, et. al. do pass through the length of the inducer body part 31, Snoke, et. al. does not disclose that the lumens provide a guide channel that has a diameter that permits other lumens to pass through the guide channel. See Snoke, et. al., Col. 6, lines 31-40 and Figures 4 and 5.

Accordingly it is respectfully submitted that claim 1 is patentable over Snoke, et. al. for at least the reasons mentioned above.

Claim 10 depends from claim 1. Since it is believed that claim 1 is patentable over Snoke, et al. in light of the reasons discussed above, it is further respectfully submitted that claim 10 is patentable over Snoke, et. al. for at least the same reasons.

Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Snoke, et. al. in light of Japanese publication no. 2001-258819. Reconsideration of the rejection of claim 12 is respectfully requested.

The Examiner contends that Snoke, et. al. discloses an endoscope that passes through an insertion device, but notes that the Japanese publication discloses an endoscope having a drum 12 upon which the insert part of an endoscope is wound and that is housed in carrying case. The Office Action further alleges that endoscopes that are wound around drums and carrying cases for supporting the drums are well known in the art and therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide an endoscope using the insertion device 30 of Snoke et al. with the drum and carrying case disclosed in the Japanese publication. Applicant respectfully disagrees.

Claim 12 depends directly from claim 1. As noted above it is respectfully submitted that claim 1 is patentable over Snoke, et. al. for at least the reasons discussed above. Further it is respectfully submitted that claim 1, and the claims depending therefrom, including claim 12, is patentable over the cited prior art at least because Snoke, et. al. and the Japanese reference, either alone or in combination, fail to show or suggest the patentable features of claim 1 described above.

Claim 2-9, 11 and 13-16 are objected to as being dependant upon a rejected base claim. Applicant appreciates the Examiner's indication that claims 2-9, 11 and 13-16 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 2-9, 11 and 13-16 all depend either directly or indirectly from independent claim 1. As noted above, it is believed that claim 1 is patentable over the cited art for at least the reasons noted herein. Accordingly it is respectfully submitted that claims 2-9, 11 and 13-16 are in condition for allowance in their present form.

In light of the remarks made herein, it is respectfully submitted that claims 1-16 are patentable over the cited art and are in condition for allowance. Favorable reconsideration of the present application is earnestly solicited.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

If a telephone interview would further prosecution of the present application, the Examiner is invited to call Applicants' undersigned attorney at the number indicated below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 28, 2005

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November 28, 2005

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Respectfully submitted,

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